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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/770,250	02/02/2004	Brian W. Moroney	BLD920030008US1	9447
50441 7590 11/28/2007 DUFT BORNSSEN & FISHMAN, LLP 1526 SPRUCE STREET SUITE 302 BOULDER, CO 80302			EXAMINER MILIA, MARK R	
			ART UNIT 2625	PAPER NUMBER
			MAIL DATE 11/28/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/770,250

Applicant(s)

MORONEY ET AL.

Examiner

Mark R. Milia

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: On page 2, line 17, reference numeral **20** should be **22**. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-5, 7-11, and 13-14 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0252319 to Gorp et al.

Regarding claim 1, Gorp discloses a method for reprinting a portion of at least one document, the at least one document including a plurality of pages comprising: (a) querying a user regarding the portion of the at least one document, the portion of the at least one document including at least one erroneous page (see paragraphs 44 and 58-60, Gorp states that at any time during processing that an error is detected, the system

may divert the document for inspection, even further Gorp states that a signal may be sent to the user when an error has occurred), (b) instructing the user on loading at least a remaining portion of the at least one document (see paragraphs 33-36), (c) automatically reprinting the portion of the at least one document to provide at least one reprinted page for replacing the at least one erroneous page (see paragraphs 36 and 60), and (d) automatically merging the at least one reprinted page with the remaining portion of the at least one document (see paragraphs 29-30, 33-36, and 60).

Regarding claim 7, Gorp discloses a method for reprinting a portion of at least one document, the at least one document including a plurality of pages comprising: (a) querying a user regarding the portion of the at least one document, the portion of the at least one document including at least one erroneous page (see paragraphs 44 and 58-60), (b) allowing the user to specify how at least a remaining portion of the at least one document is loaded (see paragraphs 33-36, Gorp states that it may be necessary to manually load the input bins of the print merge device), (c) automatically reprinting the portion of the at least one document to provide at least one reprinted page for replacing the at least one erroneous page (see paragraphs 36 and 60), and (d) automatically merging the at least one reprinted page with the remaining portion of the at least one document (see paragraphs 29-30, 33-36, and 60).

Regarding claim 8, Gorp discloses a system for printing a portion of at least one document, the at least one document including a plurality of pages, the system comprising: software for querying a user regarding the portion of the at least one document, the portion of the at least one document including at least one erroneous

page (see paragraphs 44 and 58-60, Gorp states that at any time during processing that an error is detected, the system may divert the document for inspection, even further Gorp states that a signal may be sent to the user when an error has occurred), instructing the user on loading at least a remaining portion of the at least one document (see paragraphs 33-36), and controlling the automatic reprinting the portion of the at least one document to provide at least one reprinted page for replacing the at least one erroneous page (see paragraphs 36 and 60), and a printer for automatically reprinting the at least one erroneous page (see Fig. 2 and paragraphs 36 and 60), and a tray for automatically merging the at least one reprinted page with the remaining portion of the at least one document (see paragraphs 29-30, 33-36, and 60).

Regarding claim 14, Gorp discloses a system for printing a portion of at least one document, the at least one document including a plurality of pages, the system comprising: software for querying a user regarding the portion of the at least one document, the portion of the at least one document including at least one erroneous page (see paragraphs 44 and 58-60, Gorp states that at any time during processing that an error is detected, the system may divert the document for inspection, even further Gorp states that a signal may be sent to the user when an error has occurred), receives an indication from the user as to how the at least the remaining portion of the at least one document is loaded (see paragraphs 33-36, Gorp states that it may be necessary to manually load the input bins of the print merge device), and controlling the automatic reprinting the portion of the at least one document to provide at least one reprinted page for replacing the at least one erroneous page (see paragraphs 36 and 60), and a printer

for automatically reprinting the at least one erroneous page (see Fig. 2 and paragraphs 36 and 60), and a tray for automatically merging the at least one reprinted page with the remaining portion of the at least one document (see paragraphs 29-30, 33-36, and 60).

Regarding claims 2 and 9, Gorp further discloses (a) querying the user as to whether an updated copy of the at least one document is available (see paragraphs 29, 35-36, and 58-60).

Regarding claims 3 and 10, Gorp further discloses (e) if the updated copy of the at least one document is available, automatically identifying the at least one erroneous page (see paragraphs 29, 35-36, and 58-60), (f) if the updated copy of the at least one document is not available, allowing the user to identify the at least one erroneous page (see paragraph 59).

Regarding claims 4 and 11, Gorp further discloses (g) determining whether at least one error exists (see paragraphs 35-36 and 58-60) and (h) notifying the user of the at least one error (see paragraphs 44 and 57).

Regarding claim 5, Gorp further discloses ejecting a portion of the remaining portion of the at least one document (see paragraphs 29-30, 33-36, and 60).

Regarding claim 13, Gorp further discloses a post fuser inserter for retaining the remaining portion of the at least one document loaded by the user (see Fig. 5 and paragraphs 33-36).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gorp as applied to claims 4 and 11 above, and further in view of U.S. Patent No. 5,625,757 to Kageyama et al.

Gorp does not disclose expressly wherein the at least one error includes a printer jam.

Kageyama discloses wherein the at least one error includes a printer jam (see column 17 lines 14-17 and column 27 lines 3-5).

Gorp & Kageyama are combinable because they are from the same field of endeavor, reprinting after detection of a printer error.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the printer jam error, as described by Kageyama, with the system of Gorp.

The suggestion/motivation for doing so would have been ensure proper reprinting even when the detected error is a mechanical printer error, such as a printer jam or paper jam.

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Therefore, it would have been obvious to combine Kageyama with Gorp to obtain the invention as specified in claims 6 and 12.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark R. Milia whose telephone number is (571) 272-7408. The examiner can normally be reached M-F 8:00am-4:00pm.

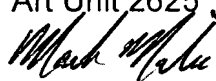
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler M. Haskins can be reached at (571) 272-7406. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

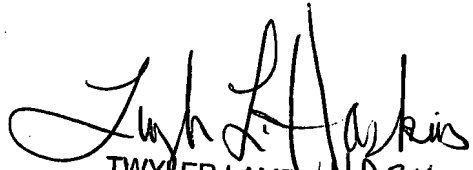
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MRM

Mark R. Milia
Examiner
Art Unit 2625



TWYLER LAMB
SUPERVISORY PATENT EXAMINER